

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RAY GOBERT,

Defendant.

CR 11-67-GF-DLC-RKS-01

ORDER

FILED

DEC 16 2013

Clerk, U.S. District Court
District Of Montana
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on November 25, 2013. Defendant admitted he violated the conditions of his supervised release by consuming alcohol. Judge Strong found the admission sufficient to establish the supervised release violation. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 9 months with no supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas*

Corp. Commodore Bus. Mach, Inc., 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of his supervised release by consuming alcohol. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. A sentence of 9 months is appropriate because Mr. Gobert has repeatedly violated the conditions of his supervised release and each time has done so early in the period of his supervision. In addition, discontinuing supervised release is appropriate because supervision is ineffective in this case and therefore continued supervision of Mr. Gobert is a poor use of government resources.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 46) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 16th day of December, 2013.



Dana L. Christensen, Chief Judge
United States District Court